

DEPARTMENT OF ECOLOGY FACT SHEET

Draft Dangerous Waste Management Facility Permit And Orders To Fulfill Corrective Action

Reichhold Facility

3320 Lincoln Avenue, Tacoma Washington

ID Number: WAD009252891

The Washington State Department of Ecology (Ecology) is proposing to issue a **draft permit** to Reichhold, Inc. for corrective action (i.e., cleanup) of the former Reichhold Chemical Plant site, located at 3320 Lincoln Avenue, Tacoma, WA 98421. This permit is required to meet state corrective action requirements under the Hazardous Waste Management Act, RCW 70.105 (HWMA) and its regulations. The purpose of the permit is to incorporate Model Toxics Control Act (MTCA) Agreed Order No. DE 03HWTRSR-5667 (the corrective action order) and MTCA Agreed Interim Action Administrative Order No. DE03HWTR SR-5668 (the corrective action management unit or CAMU order), into a dangerous waste management permit for corrective action.

A final decision to issue this permit will be made after Ecology receives and evaluates public comments. Under the authority granted by the State Environmental Policy Act (SEPA), Ecology has also issued a determination of non-significance (DNS) for corrective actions to be completed under the corrective action permit. SEPA allows for integration of its requirements and the MTCA process. It is anticipated that further SEPA evaluation will not be necessary as the project proceeds.

This fact sheet:

- ✓ Describes the facility, including historical and current activities
- ✓ Summarizes requirements for corrective action at the facility
- ✓ Describes Ecology's processes to make final decisions on the permit.

Comment Period

On: Draft Permit, MTCA Agreed Orders and Ecology's SEPA determination

Dates: May 24, 2004 through July 7, 2004

Submit comments on this permit to:

Stan Leja
Hazardous Waste & Toxics Reduction Program
Department of Ecology, PO Box 47775
Olympia, WA 98504-7775
Email Address: slej461@ecy.wa.gov

To be accepted, comments must be postmarked or received by July 7, 2004. Hand deliver comments to the address below.

Review the information Ecology used to make its tentative decision to issue the permit and two accompanying orders between 9 a.m. and 4:30 p.m., at:

Department of Ecology
Hazardous Waste & Toxics Reduction Program
Southwest Regional Office
300 Desmond Dr., Lacey, WA 98503
Contact Stan Leja – (360) 407-6300

To receive a copy of Ecology's draft permit or SEPA determination of nonsignificance:

- ✓ Contact Stan Leja at the Ecology address or phone number above; or
- ✓ Visit our web site: www.ecy.wa.gov/programs/hwtr

*Possible Hearing on June 22, 2004
at the Kobetich Branch of the Tacoma Public Library. The
Kobetich Branch is located at 212 Browns Point Blvd. N.E.
Tacoma, WA 98422-2503 (253) 591-5630. Please see Page
2 for more details.*

*To receive any documents in alternate format, please contact
Stan Leja at the Ecology address or phone number
listed above*

A. Overview

Located on about 52 acres of land in the Tacoma Commencement Bay industrial area, the Reichhold property is the site of a former chemical manufacturing facility (Figure 1). The facility is located between the Hylebos and Blair waterways. Reichhold began operating in 1956, primarily producing pentachlorophenol (PCP), used for wood treating, and treated fiber products, used by the building industry. Reichhold notified the US Environmental Protection Agency (EPA) of its dangerous waste activities at the site on or before November 19, 1980 and was granted interim status under the Resource Conservation and Recovery Act (RCRA) regulations for hazardous waste management operations.

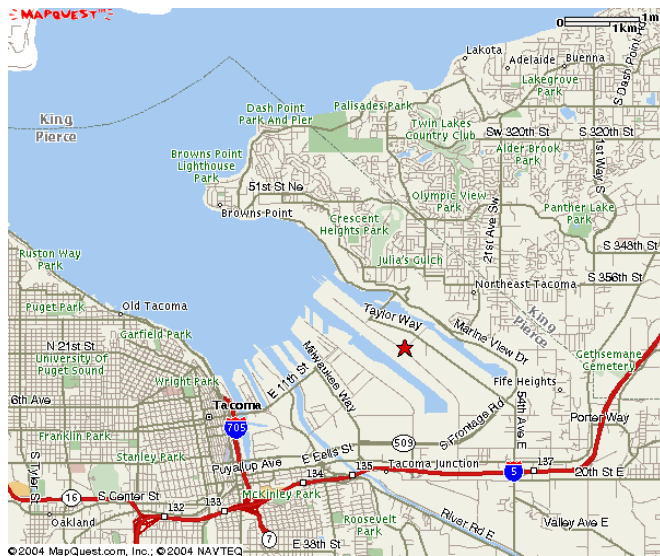


Figure 1

The plant began closing operations in 1985 and completed shutting down in 1990. Beginning with the 1986 Preclosure Investigation and Hydrogeologic Study, Reichhold has completed several investigations and corrective actions or cleanups at the site.

On December 4, 1988 EPA issued Reichhold a RCRA storage and corrective action permit (permit) for the continued operation of the site as a dangerous waste management facility. While that permit was in effect, Reichhold conducted corrective actions, called interim actions in the permit, to determine and clean subsurface soil and ground water contamination.

In 1997, EPA and Ecology decided that Ecology would be the lead agency for the RCRA permit renewal and oversee continuing actions. Federal and state dangerous waste regulations require a facility to have a permit, typically valid for 10 years, until all activities, including corrective actions and final closure, are completed.

The 1988 permit expired in 1998. Because the site was not completely clean, Reichhold applied to Ecology for a permit renewal. Ecology began active oversight over the facility to ensure that the interim actions met the cleanup standards of the expired permit.

This draft permit incorporates by reference a Model Toxics Control Act (MTCA) agreed order for corrective action. The Agreed Order is an enforceable order developed to meet the requirements of federal RCRA corrective action, the State's Dangerous Waste Management Act RCW 70.105D.050(1) (RCW) and its Dangerous Waste Regulations (WAC 173-303), and MTCA (WAC 173-340). This order is also available for public comment.

B. Procedures for Reaching Final Decisions

This draft permit is subject to public review and comment. Ecology will consider all public comments before making the final decision on a new permit for the Site. Regulatory requirements for the public review process are described in Washington Administrative Code (WAC) 173-303-840(3) through (9).

Comment Period

The 45-day comment period on Ecology's tentative decisions to issue dangerous waste management facility permits runs from May 24, 2004 to July 7, 2004.

See Page 1 for instructions on submitting comments and/or reviewing documents.

Public Hearing Possible

If significant public interest is expressed in the draft permit, Ecology will conduct a public hearing. *To request a hearing*, or to request special accommodation for the hearing if it is held, contact Stan Leja by phone, letter, or email by June 15, 2004. If there is no significant interest in a hearing, the hearing will not be held.

To find out if the public hearing will be held, contact Stan Leja after June 15, 2004. If you have special accommodation needs for the hearing, contact Mr. Leja.

If the public hearing is held, it will be June 22, 2004. Ecology will hold an open house from 5 pm to 8 pm and the hearing at 7pm at the Kobetich Branch of the Tacoma Public Library, Tacoma, Washington. The Kobetich Branch is located at 212 Browns Point Blvd. N.E. Tacoma, WA 98422-2503 (253) 591-5630. For directions to the site, contact Mr. Leja.

How to Participate

You may request, review, and comment on the draft permit and two accompanying orders. The files containing information Ecology used to make the decision are also available for review; see Page 1 for locations and hours of availability.

For comments to be considered by Ecology in further evaluation of the proposal, they must be received at Ecology by the deadline on page 1.

The most effective comments are those in which the commenter:

- ✓ Provides specific information describing what condition he or she believes is inappropriate
- ✓ Provides factual and regulatory support for the comment
- ✓ Suggests changes to fix the problem
- ✓ Includes supporting material, unless Ecology already has the material. For example, if the comment references a state or federal rule on managing dangerous waste, Ecology already has that information. If the comment references a report or letter that is not part of the application or the agency files on the site, or isn't a commonly available reference, then Ecology likely does not have it. In such cases, the person commenting needs to provide a copy of the reference.

Furthermore, WAC 173-303-840(6) provides details on the obligation to raise issues and provide information during the public comment period if a person believes a condition of the draft permit is inappropriate.

Decision-Making Process

Responding to comments and testimony

Ecology will consider and respond to written comments submitted by the public and any testimony if the public hearing is held.

Final permit decision

After considering the comments and testimony, Ecology will make a final permit decision or make a new tentative decision on the permit. Ecology will simultaneously issue the two Orders referenced above, modified as necessary by public comment. Any final permit for the Reichhold Site will run for ten years from the effective date or until the facility is verified clean if earlier. However, the permit can be modified at any time during this period. Permit modifications are subject to public review and comment. Procedures for modifying a permit and the types of permit changes that are subject to public review and comment are discussed in WAC 173-303-830. Ecology will sign the final permit and will give public notice of the final permit decision.

Effective date of decision

Normally, a permit is effective 30 days after Ecology gives notice of the final decision to the permittee and all persons who commented. If there are no comments on the draft permit, Ecology may specify an earlier date for the final permit. If Ecology makes a new tentative decision on the permit, there will be a new comment period.

Environmental Review

The Department of Ecology is the State Environmental Policy Act or SEPA lead agency for corrective action and dangerous waste permit decisions at the Reichhold Site.

Under SEPA, the identification and evaluation of probable environmental impacts is required to develop environmentally sound proposals.

SEPA provides for the integration of the MTCA process into SEPA decision making. After evaluating relevant information Ecology has determined that continued corrective actions will not have a significant adverse environmental impact and has thus issued a determination of non-significance (DNS). The DNS will be included with the permit and agreed orders when they are issued for public comment.

Appealing the Final Permit Decision

Anyone who comments on a permit, or who participates in a public hearing, may appeal the agency's final decision within 30 days of the date the decision is issued. Others may appeal changes made between the draft permit and the final permit, even if they did not comment during the comment period. Appeal Ecology's decision to the Pollution Control Hearings Board.

For more information contact Stan Leja (Ecology), at (360) 407-6300.

C. State and Federal Authorities for Permits and Corrective Action

In Washington State, both the EPA and Ecology regulate hazardous waste. Washington regulates more wastes than the federal EPA; this universe of Washington regulated wastes is called *dangerous wastes*.

The Washington State Hazardous Waste Management Act, Chapter 70.105 RCW, and the Dangerous Waste Regulations, Chapter 173-303 WAC, regulate the management of dangerous waste in Washington. WAC 173-303-800 specifies facilities which must obtain a permit. WAC 173-303-646 specifies that facilities that have had a permit to treat, store, and/or dispose of dangerous waste (or that have had releases from solid waste management units), must still have a permit to conduct corrective action.

EPA has requirements for facilities that manage hazardous waste. The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), and the regulations promulgated hereunder in Title 40 of the Code of Federal Regulations (CFR), regulate the management of hazardous waste nationwide.

On January 31, 1986, the State of Washington's dangerous waste management program received final authorization for the state's hazardous waste program. The State's program

has also received approval for subsequent revisions to this federal program. Ecology adopted additional federal requirements that went into effect June 10, 2000.

EPA authorized the state's corrective action program on November 4, 1994. Under the federally authorized program, a MTCA order is considered to be part of the authorized corrective action program only when the order is incorporated into an existing permit, or when the order is issued simultaneously with and incorporated by reference into a new permit. In other words, any order issued to a facility under MTCA is not considered part of the EPA-authorized corrective action program unless the order is incorporated into a permit.

Terms of the orders which go beyond the scope of the authorized program are considered broader in scope and thus not enforceable by EPA. However, the state can impose requirements pursuant to state laws or enforce those requirements in lawfully-issued orders or permits. Permits issued by the state under the authorized program will be enforceable by Ecology.

EPA and Ecology have agreed that Ecology will not issue comprehensive corrective action permits for facilities. Instead, MTCA orders (the state cleanup authority or Model Toxics Control Act) will be used to satisfy corrective action requirements. This is being done because the MTCA order process is faster and may contain more stringent requirements than the comparable federal process. Also, the Washington business community is more familiar with the MTCA process, the public process is more inclusive under MTCA, and the state can cost recover for state resources used at the site. For the Reichhold facility, a dangerous waste management permit for corrective action, a permit shell, will be issued by the state, which will incorporate by reference the MTCA Order and the CAMU order. This process will save time and resources, eliminate duplication of a permit, reduce the volume of documents, and simplify the decision process.

Substantial changes to the Agreed Order for corrective action or the CAMU order will require a public comment period under MTCA and a modification to the permit. The new CAMU amendments published by EPA on January 22, 2002, include an approach for grandfathering CAMUS for which substantially complete applications (or equivalents) were submitted on or before November 20, 2000 (40 CFR 264.550 and 264.551). Because Reichhold's substantially complete application was submitted by November 20, 2000, the CAMU proposed by Reichhold remains subject to the 1993 CAMU regulations (58 FR 8658). To continue to operate pursuant to the 1993 regulations, the CAMU established under Agreed Interim Action Administrative Order No. DE 03HWTR-5668

(Order) must operate within the general scope of the Order, including the type of waste, waste management activities, and design of the CAMU. If the CAMU changes in ways that exceed the general scope of the Order, those changes must be implemented in accordance with the new CAMU amendments published on January 22, 2002.

D. Facility Description

Reichhold Inc., headquartered in Research Triangle Park, NC, has owned and operated the 52 acre site in Tacoma since 1956. The facility has produced a variety of chemical products, including pentachlorophenol, synthetic resins and treated fiber products.. In 1980 all treatment, storage, and disposal facilities were subject to the new permitting requirements of RCRA. Reichhold, since 1980, has operated the site as a dangerous waste management facility that generates transports, and treats/stores/disposes of hazardous waste. In 1988 EPA issued Reichhold a storage and corrective action permit. Reichhold ceased all manufacturing and storage activities in 1990.

About 30 acres of the site is currently undergoing corrective action. Contaminants at the site are primarily chlorinated phenolic compounds, formaldehyde products and polychlorinated biphenols or PCBs. These contaminants are found in the soil and groundwater.

With the closure of the drum storage area, the site is not an operating facility. At the current time portions of the site are being leased.. Reichhold is the sole permittee. No leasees perform management of dangerous waste requiring a permit.

E. Reichhold's Corrective Action Management Unit

This draft permit incorporates by reference a Model Toxics Control Act (MTCA) agreed interim action administrative order for designating a corrective action management unit or CAMU.

In 1993, to facilitate corrective action at facilities, EPA developed corrective action management units (CAMU). A CAMU is an area within a facility used only for managing clean up wastes generated by corrective action at the facility. For Reichhold to effectively continue and complete ongoing soil clean up, a CAMU was necessary. Therefore Ecology issued a draft Agreed Interim Action Administrative Order No. DE 03HWTRSR-5668 (CAMU Order) designating a CAMU at the site. To finish the remaining soil treatment, Reichhold will follow the requirements of the CAMU order. This order is also available for public review and comment.

The CAMU covers approximately 22 acres of the 52 acre Tacoma site. This clean up effort, using a CAMU, will protect and contribute to ongoing groundwater cleanup efforts. Also, the use of the CAMU encourages onsite treatment by innovative soil cleanup technologies, a cleanup action satisfying MTCA's preference for permanent clean up options. A detailed explanation of how the CAMU will facilitate soil remediation at the site is contained in the RCRA Corrective Action Management Unit Summary. The order and the summary are available for public comment concurrently with the permit

F. Permit and Permit Conditions

This permit, including the MTCA orders it incorporates, meets the state requirements for a corrective action permit at the site. Although the site does not currently manage dangerous waste, Reichhold is seeking a permit for corrective actions needed due to past management of dangerous waste. This corrective action-only permit differs from dangerous waste management permits for fully functioning facilities. Ecology has been working with EPA to develop this type of permit. While a permit is required, EPA and Ecology recognize that not all, usual permit requirements are necessary in a permit for conducting corrective actions only. For example, training and inspection requirements for management of dangerous wastes are irrelevant when the facility has closed and no dangerous wastes are present on site.

A permit is necessary to maintain authority over corrective action, but the substantive requirements for actually conducting the corrective action are in the MTCA Agreed Order (No. DE03HWTRSR-5667) and the CAMU Order (No. DE 03HWTRSR-5668). The draft permit is structured to allow flexibility needed to efficiently administer corrective action at the site.

The dangerous waste permit will not regulate current activities at the site performed by entities other than named permittees such as companies leasing the property

Dangerous waste regulations require corrective action for all media impacted by historical operations at the site. Corrective actions are presently conducted to remediate soils within the site boundary and contaminated ground water beneath and downgradient of the site:

The MCTA Agreed Orders requires the following work to be performed (summarized):

- A focused remedial investigation/data evaluation report (to fill in data gaps in investigative and cleanup work completed to date and to provide data

to support the performance of a focused feasibility study and selection of potential clean up actions

- A focused feasibility study
- Continued management of the soil treatment cells until completion of the FS and CAP, for the purpose of determining necessary soils remediation technology
- Continued ground water extraction and treatment in the shallow and intermediate aquifers
- Continued quarterly and annual groundwater monitoring of the shallow and intermediate aquifers beneath the site
- Groundwater data analysis report
- Annual reporting on ground water monitoring and Phase I corrective measures
- Drafting of a cleanup action plan (CAP)
- The establishment and management of a CAMU as an interim action

It is anticipated that in approximately one to two years, Reichhold will complete work under the order for corrective action. Ecology and Reichhold will then negotiate a Consent Decree under MTCA including the preparation of a draft clean up action plan (CAP). Ecology will then choose a clean-up option that will govern implementation of the CAP. Requirement for submittal and approval of a plan for CAMU closure and a site-specific SAP will be included as a requirement in the CAP. The CAP will also include a requirement for Ecology to specify in writing post-closure requirements for areas of the CAMU in which wastes will remain in place after CAMU closure, including monitoring and maintenance activities. The CAP is planned to be included in a Consent Decree that will provide for implementation of the CAP.

This consent decree would be incorporated into the permit by a permit modification. Public comment will be a part of this modification and consent decree process.

G. Changes to RCRA/RCRA Rules Under Hazardous and Solid Waste Amendments

In general, new or amended requirements in the Hazardous and Solid Waste Amendments of 1984 and related regulations will automatically apply to the Reichhold Site's corrective action activities. The exception is for new requirements that are less stringent than those in effect when the agency issues the permit decisions.

H. CONCLUSION

Ecology has both evaluated all of the interim actions completed prior to the submittal of the permit renewal application, including the designation of a CAMU, and provided oversight for interim actions completed since the submittal. Based on its assessment of all of the remedial work performed to date, Ecology has compiled a list of tasks that compose a focused remedial investigation and a focused feasibility study. These tasks are presented in attachments 3 and 4 to the corrective action agreed order. After completion of the focused RI/FS, Reichhold will prepare a draft cleanup action plan. The draft cleanup action plan will include requirements for operation, closure, and post-closure maintenance for the CAMU. The cleanup action plan will be implemented under a separate consent decree after appropriate public review and comment.

Information provided in Reichhold's permit renewal application has been deemed adequate by Ecology to issue Reichhold a Dangerous Waste Permit for Corrective Action to continue corrective action. These corrective actions will be carried out under MTCA Agreed Order No. DE 03HWTRSR-5667 and MTCA Agreed Interim Action Administrative Order No DE 03HWTRSR-5668.